

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1229 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MAHENDRABHAI SHANTILAL SHAH

Versus

COLLECTOR - MEHSANA

Appearance:

MR AJ PATEL and MR AB MUNSHI for Petitioner

MR UMESH TRIVEDI AGP for Respondent Nos. 1, 2

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 08/02/99

ORAL JUDGEMENT

This Special Civil Application was filed in December 1989 against the orders Annexure.E and Annexure.F passed by the Collector, Mehsana in December 1989 and by the Deputy Secretary, Food and Civil Supplies Department, dated 25th November 1991 in Appeal under Section 6-C of the Essential Commodities Act.

2. The petitioner had the licence as a wholesaler as well as retailer, but he was found to have sold out 36 quintals of sugar meant for retailers to the bulk consumer instead of the retailers. He was also found to have committed some other irregularities under the Essential Commodities Act. The bulk of sugar amounting to 11 quintals was, therefore, confiscated by the impugned order passed by the Collector, Mehsana in December 1989. In Appeal preferred by the petitioner, the appellate authority took a lenient view and released 75% of the bulk and only 25% of the bulk of sugar was confiscated. Thus, 25% of the bulk of sugar which was confiscated way back in 1989 is the only subject matter and now, we are in the year 1999, and even the interim relief had not been pressed before this Court on 16th February 1994. No useful purpose can be served now, by going in to the controversy raised by the petitioner. Even otherwise, I find that the appellate authority had taken a lenient view while returning 75% of the confiscated goods. Sugar is the consumable article and by this time, in a period of nearly ten years, the bulk of the 25% of the confiscated goods must have become useless and may not have remained worth consumption.

3. For the reasons aforesaid, this Special Civil Application has no force and the same has become virtually infructuous. The Special Civil Application is hereby dismissed accordingly. The Rule is hereby discharged. No order as to costs.

sreeram.